

# HOUSE BILL No. 1733

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-8.1-5.1-8.

**Synopsis:** Cell phone use in schools. Provides that a student is subject to suspension for using an electronic paging device or a handheld portable telephone on school grounds during school hours in violation of school policy. Authorizes a school to seize and retain an electronic paging device or a handheld portable telephone: (1) pending a determination of whether the device or telephone was used in violation of school policy; and (2) during the term of the student's suspension, if the student is suspended for using the device or telephone in violation of school policy.

**Effective:** July 1, 2003.

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**Smith V**

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January 21, 2003, read first time and referred to Committee on Education.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1733

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-8.1-5.1-8.2 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2003]: **Sec. 8.2. (a) Subject to the procedural**  
4 **requirements of this chapter, a student is subject to suspension for**  
5 **using an electronic paging device or a handheld portable**  
6 **telephone:**

7           (1) on school grounds;

8           (2) during school hours;

9           (3) in a situation not related to a school purpose or an  
10          educational function; and

11          (4) in violation of school policy.

12       (b) An electronic paging device or handheld portable telephone  
13 possessed by a student on school grounds and during school hours  
14 may be seized and retained by the school until:

15           (1) a meeting is held under section 12 of this chapter; and

16           (2) the principal of the school determines whether the student  
17 used the electronic paging device or handheld portable



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1 telephone in a way providing grounds for suspension under  
2 subsection (a).

3 (c) If the principal of the school determines that the student used  
4 the electronic paging device or handheld portable telephone in a  
5 way providing grounds for suspension under subsection (a), the  
6 paging device or handheld portable telephone may be retained by  
7 the school during the term of the student's suspension.

8 (d) If:

9 (1) a student has possession of an electronic paging device or  
10 handheld portable telephone;

11 (2) the principal of the school determines that the student used  
12 the electronic paging device or handheld portable telephone  
13 in a way providing grounds for suspension under subsection  
14 (a);

15 (3) the principal decides that the school will retain the paging  
16 device or handheld portable telephone during the term of the  
17 student's suspension; and

18 (4) the student refuses to release the paging device or  
19 handheld portable telephone to the school;

20 the student's refusal constitutes additional grounds for suspension  
21 of the student.

22 (e) A school corporation may establish a school policy setting  
23 forth conditions under which students are permitted to possess and  
24 use electronic paging devices or handheld portable telephones on  
25 school grounds.

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